

1904-00A Chancery Causes: B. C. Grabeel vs. Admr. of Charles E. Baylor &c
Lee Co.

Hyatt

CA - Contract Dispute
T - Property

To the Hon. H. A. W. Skeen, Judge of the circuit court for Lee county, Virginia.

Humbly complaining, your orator B. C. Grabeel, a citizen of said county respectfully represents that on the 21st day of November, 1892, he purchased from one Chas. E. Baylor, a certain tract, or rather an interest in a certain tract of land, lying in Lee County, Virginia, about 13 miles west of Jonesville, on both sides of the main valley road; and on that day the said Baylor executed to your orator his bond, in the penal sum of \$3000.00, waiving homestead exemptions, the said bond reciting, that the said Chas. E. Baylor on that day bargained and sold to your orator a certain piece or parcel of land lying and being in the said county of Lee, on both sides of the main road, about 13 miles west of Jonesville, being the same land which said Baylor on that day purchased at a trustee's sale made by H. J. Morgan and conveyed to said Baylor by said Morgan by deed dated on that day, the same consisting of one undivided one-half of one-third of the old Peter Fulkerson farm, the said one-third lying between the lands of E. S. King and Josephus Grabeel, and for which your orator was to pay the said Baylor the sum of \$1500.00 with interest from said date, one-half thereof to be paid 12 months from the date of said bond, and the other one-half 2 years from said date, Josephus Grabeel to become the security of your orator for the said purchase money; and the condition of the said bond was and is, that if the said Baylor make or cause to be made to your orator, or Josephus Grabeel, or both, a good and sufficient deed of conveyance for said one-half of said one-third of said Peter Fulkerson farm in its undivided condition, with covenants of special conveyance, when the purchase money therefor should be fully paid, then said bond should be void and of no effect, and if otherwise to remain in full force and virtue. All of which will more fully and at large appear by an inspection of the said bond which attached to this bill, marked "Exhibit A" and prayed to be taken and considered as a part hereof.

By a further inspection of the said bond, it will be seen that it was especially stipulated therein, that if your orator should pay the full purchase price, he was to have the said land, but if he should fail to do so, and the said Josephus Grabeel should pay for the same in full, then the said land was to be conveyed to the said Josephus; but if each of them, that is, your orator and the said Josephus Grabeel, should pay part of the purchase money and not the whole thereof, the said land was to be conveyed in them in the proportion of the purchase money paid thereon by them, respectively.

Now your orator further represents, that he made various payments on the purchase price of said land to the said Chas. E. Baylor in his life time, and that he has fully paid the residue to the executors and the administrator of the said Baylor since his death, and is therefore entitled to a conveyance of the whole of the land described in said title bond in accordance with the terms thereof.

Your orator alleges that the said Josephus Grabeel has never made any payments on the purchase price of said land.

Your orator further represents that the said Chas. E. Baylor on the 1st day of May, 1901, or about that time, departed this life, having first made and published his last will and testament; that he left surviving him a widow, Jennie H. Baylor, ~~now~~ a resident of the State of Tennessee, and the following children, to-wit: Lon H., Harry, Hattie M., Archie R., and Robert A. Baylor, the two last of whom are still infants within the age of 21 years; that the said Baylor in his said will made no mention whatever of the land described in the title bond aforesaid; that the title to the same by decent, has passed to the said widow and children aforesaid; that the said widow and adult heirs of said Baylor, have not as yet conveyed to your orator the said real estate;

and that the said two infant heirs of the said Baylor, by reason of their infancy, cannot do so.

Your orator further represents that at the ____ term, 1901, of the county court for Lee county, Jennie H. Baylor and Lon H. Baylor the executors named in the will of the said Chas. E. Baylor, qualified as such executors and took charge of his estate; that they afterwards resigned their trust, and the said estate was thereupon at the ____ term, 1901, of the said court, committed to J. A. G. Hyatt, administrator, with the will annexed, who is still acting as such.

The object therefore of this bill is to compel the widow and adult heirs of the said Baylor to make conveyance of the said land to your orator, and to have the court appoint a commissioner to make such conveyance on the part of the infants; and in case the said widow and adult heirs should fail or refuse to make such conveyance, then to have the court appoint a commissioner to convey the same to your orator on their part as well.

The prayer therefore of your orator is, that the said J. A. G. Hyatt, administrator, Jennie H. Baylor, Lon H. Baylor, Harry Baylor, Hattie M. Baylor, Archie R. Baylor, Robert A. Baylor and Josephus Grabeel be made parties defendant to this bill; that the said adult defendants be required to answer the same, but they need not do so under oath that being waived; that a guardian ad litem be appointed to answer and defend the same for the two infant defendants, and that upon a hearing of the same, the said Jennie H., Lon H., Harry and Hattie Baylor be required to convey the said tract of land to your orator, and that a commissioner be appointed to convey the same on the part of the said infant defendants, and ~~have~~ full general relief. May subpoena issue etc.

L. T. Hyatt, p.g.

Know all men by these presents that I Charles E. Baylor of Lee County Virginia, am held and firmly bound unto B. B. Grabel of the county and state aforesaid in the personal sum of Three Thousand dollars, to the payment whereof to be made to the said Grabel, I bind my self my heirs & firmly by these presents, and I hereby waive the benefit of my homestead exemption as to this bond. Witness my hand and seal this 21st day of Nov. 1892.

The condition of the above bond is this, that the said Charles E. Baylor has this day bargained and sold unto the said B. B. Grabel a certain piece or parcel of land lying and being in said county of Lee on both sides of the main road about 13 miles West of Jonesville, and is the same land which said Baylor this day purchased at a Trusters sale made by H. J. Morgan & conveyed to said Baylor by said Morgan by deed dated this day, and the same consists of one undivided half of one third of the old Peter Fickerson farm, and the said one third lies between the lands of E. S. King and Josephus Grabel, for which the said B. B. Grabel is to pay the said Baylor the sum of Fifteen Hundred dollars with interest from date, and one half thereof is to be paid in 12 months from this date, and the other half two years from date, and the said Josephus Grabel is to become the surety of said B. B. Grabel for the payment of the purchase money.

Now if said C. E. Baylor shall make, or cause to be made
to said B. B. Grabel or Josephus Grabel or both, a good and
sufficient deed of conveyance for said one half of said one third
of said Peter Fulkerson farm in its undivided condition
with covenants of ^{Special Conveyance} ~~general warranty~~, when the purchase
money therefor shall be fully paid, then this bond to be
void and of no effect, but if otherwise it is to remain
in full force and virtue.

Now it is expressly understood between said three parties
that if said B. B. Grabel shall pay the full purchase price
he is to have the said land, but if he should fail to do so,
and Josephus Grabel should pay for the same in full, then
said land is to be conveyed to him, but if each of them
should pay a part of the purchase money, and not the
whole thereof, then said land is to be conveyed to each
of them in such proportion, as the respective sums they
may pay, shall bear to the price agreed to be paid for the same.

Charles E. Baylor (Seal)

"Exhibit A"

B. C. Grabeel

Fran } Little Bond

Charles E. Bayler

M. Clerk	1.96.
G. a. L.	5.00
Shff.	2.00
E. Clerk	2.85
Writ tax	1.50
	<u>\$13.31</u>

B. C. Grabeel

vs. { In Chancery.

J. A. G. Hyatt, Admors.
et al.

Bill.

1904 1st Feb'y rules bill
filed & pa executed ~~and~~
accepted & D.N.

" 2nd Feb'y rules D.N.
Confirmed & Cause set
for hearing

L. T. HYATT,
ATTORNEY AT LAW,
JONESVILLE, VIRGINIA.

In the Convent Court for the County of Lee,
to wit:

THE ANSWER OF Archie R. Baylor and Robert Baylor

infant under the age of twenty-one years, by M. G. Ely,
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Convent Court for the County of
Lee, by B. C. Graybeal and others.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondents pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

M. G. Ely p. d.

State of Va. County }
OF } ss.
Lee

This day, M. G. Ely, whose name is signed to
the foregoing answer, personally appeared before me, A. B. Munsey
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 29th day of January 1804.

A. B. Munsey Clerk

Ja. V. Hyatt adum etc

adv.

}

ANSWER
OF
INFANT DEFENDANT.

B. C. Graybeal

Filed January 29th 1904
A. B. Munsey Clerk

B. C. Grabeel,

Plaintiff.

vs.

(In Chancery)

J. A. G. Hyatt, Administrator with the will annexed of Chas. E. Baylor, deceased, ~~J.~~ H. Baylor, Lon H. Baylor, Harry Baylor, Hattie Baylor, Archie R. Baylor and Robert A. Baylor, the two last named being infants under the age of twenty one years..... Defendants.

This cause came on again this the ~~20th~~ day of February, 1904, to be heard upon the papers formerly read in the cause and the report of L. T. Hyatt, Special commissioner, filed on the 20th day of February, 1904, and the deed therewith, whereby the said L. T. Hyatt, Special Commissioner, conveys to the complainant, B. C. Grabeel, the interest of the infant defendants Archie R. and Robert A. Baylor, in and to the tract of land purchased by the said complainant from Chas. E. Baylor, deceased, in his life time, and described in the titled bond filed with the complainant's bill, and was argued by counsel.

On consideration whereof, and no exceptions having been taken and filed to the said report or deed, it is adjudged, ordered and decreed that said report and deed be, and the same ~~be~~ hereby confirmed and approved by the court; and

The question of the cost of this suit being submitted to the court, and it appearing to the court that at the time of the death of Chas. E. Baylor, deceased, the purchase money for the said tract of land was ~~past~~ due, and had not then been paid in full, it is considered by the court that the costs of this suit be paid by the complainant, B. C. Grabeel.

And nothing further remaining to be done in this cause, it is ordered that the same be stricken from the docket.

is ordered that the same be stricken from the docket.

And nothing further remaining to be done in this cause, it
suit be paid by the complainant, B. C. Grabeel.

in full, it is considered by the court that the costs of this
e said tract of land was passed due and had not then been paid
the death of Chas. B. Baylor, deceased, the purchase money for
the court, and it appearing to the court that at the time of

The question of the cost of this suit being submitted to
confirmed and approved by the court; and
and decreed that said report and deed be, and the same is hereby
taken and filed to the said report or deed, it is adjudged, ordered

On consideration whereof, and no exceptions having been

B. C. Grabeel &
vs { Lu Chy.
J. A. Hyatt, Adam
re. et al.

Decree Final.

Entered in C. C. B.
No. 7 page 430

Enter this decree
Feb 24th 1904
J. A. Hyatt

being infants under the age of twenty one years..... Defendants.
Baylor and Robert A. Baylor, the two last named
son H. Baylor, Harry Baylor, Mattie Baylor, Archie B.
nixed of Chas. B. Baylor, deceased, W. H. Baylor,
W. A. O. Hyatt, Administrator with the will an-

vs.

(In Chancery)

B. C. Grabeel,

Plaintiff.

B. C. Grabeel - - - - - Plaintiff.

vs.

(In Chancery)

J. A. G. Hyatt, Administrator with the will annexed of Chas. C. Baylor, deceased, J. H. Baylor, Lon H. Baylor, Harry Baylor, Hattie Baylor, Archie R. Baylor and Robert A. Baylor, the two last named being infants under the age of twenty one years.....Defendants.

This cause came on this the 20th day of February, 1904, to be heard upon the bill of the complainant and the exhibit therewith, the answer of the infant defendants Archie R. Baylor and Robert A. Baylor by M. G. Ely, their Guardian ad litem, filed in the cause on the 29th day of January, 1904, which answer is duly sworn to by the said guardian ad litem, and general replication to said answer, and was argued by counsel; and

It appearing to the court that the defendants J. A. G. Hyatt, Administrator as aforesaid, Lon H. Baylor, Harry Baylor, and Hattie M. Baylor have each been served with process as required by law; that the defendant, Jennie H. Baylor, by C. T. Duncan, her attorney has accepted service of said summons and appeared to said cause, it is adjudged that the plaintiff's bill be taken for confessed as to them; and

it further appearing to the court that Jennie H. Baylor, the widow of Chas. E. Baylor, deceased, and Lon H. Baylor and Ida Baylor, his wife, Harry M. Baylor and Hattie M. Baylor, the adult heirs-at-law of said Chas. E. Baylor, deceased, have made executed and acknowledged and filed in this cause ^athe deed conveying to the said complainant the land purchased by him from the said Chas. E. Baylor, in his lifetime, but that Archie R. Baylor and Robert A. Baylor the other children and heirs-at-law, of the said Chas. E. Baylor are infants within the age of twenty one years, and by reason of their infancy, ~~they~~ are unable to make conveyance to the said Grabeel for said land, it is therefore further adjudged, ordered and decreed that L. T. Hyatt, who is hereby appointed a special commissioner for the purpose, do make, execute and deliver to the said B. C. Grabeel, a good and sufficient deed, conveying to him, with special warranty, the

(2)

interest of the said Archie R. and Robert A. Baylor, infants, in and to the tract of land described in the title bond filed with complainant's bill, and report his action hereunder to a future day of this term of the court, to which time this cause is continued.

is continued.

future day of this term of the court, to which time this cause
with complaint, a bill, and report his action hereunder to a
in and to the tract of land described in the title bond filed
interest of the said Archie R. and Robert A. Baylor, infants,

(3)

B. C. Grabeel
vs { Lu Chy.
J. A. H. Hyatt, Admors
et al.

Decree for deed.

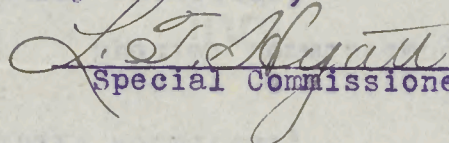
See C. D. B. No 7. p. 425.

Enter this decree
Feby 20, 1904.
H. C. W. Skene

To the Hon. H. A. W. Skeen, Judge of the circuit court for
Lee county, Virginia.

Having been appointed a commissioner by a decree of the
said court, entered on the 20th day of February, 1904, in the
chancery cause therein pending, entitled, "B. C. Grabeel vs.
J. A. G. Hyatt, Administrator, et al." and as such, directed
to make and execute to the complainant, B. C. Grabeel, a good
and sufficient deed, conveying to him the interest of the infant
defendants, Archie R. and Robert A. Baylor, in and to the tract
of land mentioned and described in the title bond filed with
the complainant's bill, now respectfully reports, that he has
made, executed and acknowledged said deed in accordance with
the terms of the said decree and herewith files the same for the
inspection and approval of the court.

Very respectfully submitted,


Special Commissioner.

Special Commissioner.

Respectfully submitted,

R. C. Graebel
x & J. G. Hyatt
J. G. Hyatt Adm.
re et al.

Report of Deed.
Filed Feb 24th 1904

J. A. G. Hyatt, Administrator, et al., and as such, directed
chancery cause therein pending, entitled, "R. C. Graebel v.
said court," entered on the 30th day of February, 1904, in the
Having been appointed a commissioner by a decree of the
the county, Virginia.

To the Hon. H. A. W. Green, Judge of the circuit court for

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon J. A. G. Hazatt, Administrator
with the will annexed of Lehas R. Baylor deceased, Jennie H. Baylor
Len H. Baylor, Harry Baylor, Hattie M. Baylor, Archie R. Baylor
and Robert A. Baylor, the two last named being infants
under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 1st Monday in February 1904, to answer a
bill in chancery exhibited against them in our said court by

B. C. Grabeel

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 20th day of January, 1904, and in the 128th
year of the Commonwealth.

A Copy,

Teste: A. B. Munsey Clerk

A. B. Munsey, Clerk.

vs.

{

SUBPEONA
IN CHANCERY.

p. q.

To Rules.

..... Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon J. A. G. Hyatt, Administrator
with the will annexed of Lehas E. Baylor, deceased, Jennie, H. Baylor,
Low, H. Baylor, Harry Baylor, Hattie M. Baylor, Archie, R. Baylor
and Robert, A. Baylor, the two last named being infants
under the age of twenty-one years.

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 1st Monday in February, 1904, to answer a
bill in chancery exhibited against them in our said court by

B. L. Grabeel

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 20th day of January, 1904, and in the 128th
year of the Commonwealth.

A Copy.

Teste: A. B. Munsey Clerk

A. B. Munsey, Clerk.

vs. { SUBPEONA
IN CHANCERY.

p. q.

To Rules.

..... Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon J. A. Hyatt, Administrator
with the will annexed of Lehas. C. Baylor, deceased, Jennie H. Baylor
Len H. Baylor, Harry Baylor, Hattie M. Baylor, Archie R. Baylor
and Robert A. Baylor, the two last named being infants
under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 1st Monday in February, 1904, to answer a
bill in chancery exhibited against them in our said court by

B. L. Grabeel

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 20th day of January, 1904, and in the 128th
year of the Commonwealth.

A copy,

Teste: A. B. Munsey Clerk

A. B. Munsey, Clerk.

vs.

}

SUBPEONA
IN CHANCERY.

p. q.

To Rules.

..... Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon J. A. G. Hyatt, Administrator
with the will annexed of Leha E. Baylor, deceased, Jessie H. Baylor
Len H. Baylor, Harry Baylor, Hattie M. Baylor, Archie R. Baylor
and Robert A. Baylor. The two last named being infants
under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 1st Monday in February 1904, to answer a
bill in chancery exhibited against them in our said court by
B. L. Grabeel

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 20th day of January, 1904, and in the 128th
year of the Commonwealth.

A. B. Munsey, Clerk.

Serve copies on
J. A. G. Hyatt, admr
Jennie H. Baylor
Lon H. Baylor
Harry Baylor
Hattie M. Baylor
Archie R. Baylor
+ Robt A. Baylor

B. C. Graebel

vs. { SUBPEONA
 { IN CHANCERY.

J. A. G. Lyzatt admr et als

L. T. Hyatt p. q.

To/st February Rules.

1904. Circuit Court.

Legal service of
this summons is
accepted for Annie
H. Baylor & the two
infants Archie R
& Robt. A. Baylor
Jan'y 21st 1904
C. F. Johnson
att'y

[illegible]